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HON. JOSEPH H. DRISCOLL, JR.  
Justice - Supreme Court (Ret.)

November 13, 2008

**VIA ECF and REGULAR MAIL**

Judge Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *M&T Mortgage Corp. v. Leo White, et al. v. Better Homes Depot, et al.* CV-04-4775 (NGG/VVP)  
*Council v. Better Homes Depot, et al.* CV-04-5620 (NGG/VVP)

Dear Judge Garaufis:

We write as counsel for Madison Home Equities, Nadine Malone, Michael Rindenow, (collectively the "Madison Defendants") and Better Homes Depot, and Eric Fessler (collectively the "Better Homes Defendants") in response to M&T's and Leo White's recent joint application for an extension of time for M&T to serve its motion for summary judgment in the *Leo White* action referenced above. Please accept this letter as our joint application for a commensurate extension of time, until December 8, 2008, to serve our motion for summary judgment in *only* the *Leo White* case as it would be highly prejudicial to the Madison Defendants and the Better Homes Defendants to serve our summary judgment motion three weeks in advance of motion practice between other parties in the same action.

Please be advised that although the above referenced cases were joined for discovery purposes, we remain prepared to serve our motion in the Council case simultaneously with their counsel according to the schedule set forth by the Court as M&T is not a party to that action.

Thank you for your time and consideration.

Respectfully submitted,

/s/  
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Steven Cohn, P.C.  
By: Melissa A. Lenowitz (MAL 6376)

Respectfully submitted,

/s/  
\_\_\_\_\_  
The Law Offices of Steven C. Bagwin  
By: Steven C. Bagwin (SCB 7342)

*Application granted  
for extension*

s/Nicholas G. Garaufis, USDJ

*11/17/08*